

§ 1152.11

congested area. An explanation of the interrelationship must be furnished.

[41 FR 48520, Nov. 4, 1976, as amended at 42 FR 25327, May 17, 1977; 43 FR 30557, July 17, 1978. Redesignated and amended at 47 FR 49581, Nov. 1, 1982; 48 FR 54236, Dec. 1, 1983]

§ 1152.11 Description of lines to accompany the system diagram map.

Each carrier shall list and describe, separately by category and within each category by State, all lines or portions of lines identified on its system diagram map as falling within categories 1 thru 3 (§ 1152.10(b) (1) thru (3)) as follows:

(a) Carrier's designation for each line (for example, the Zanesville Secondary Track);

(b) State or States in which each line is located;

(c) County or counties in which each line is located;

(d) Mileposts delineating each line or portion of line; and

(e) Agency or terminal stations located on each line or portion of line with milepost designations.

§ 1152.12 Filing and publication.

(a) Each carrier shall file with the Commission six copies of its color-coded system diagram map (identified by its "AB number" as set forth in the appendix to this part) and the accompanying line descriptions. If a revised map is filed, the line descriptions for the lines which were revised must be filed.

(b) The color-coded system diagram map, any amendments of the map, and accompanying line descriptions shall be served upon the Governor, the public service commission (or equivalent agency) and the designated State agency of each State within which the carrier operates or owns a line of railroad.

(c) *The carrier shall*—(1) Publish in a newspaper of general circulation in each county containing category 1 through 3 lines or lines being revised, a notice containing: (i) A black-and-white copy of the system diagram map (or a portion of map clearly depicting its lines in that county); and (ii) a description of each line;

(2) Post a copy of the newspaper notice: (i) In each agency station or terminal on each line in categories 1

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through 3 and on each line which has been revised; or (ii) if there is no agency station on the line, at any station through which business for the line is received or forwarded;

(3) Furnish, at reasonable cost, upon request of any interested person, a copy of its system diagram map (either color-coded or black-and-white); and

(4) Notify interested persons of this availability through its publication in the appropriate county newspaper.

(d) Each carrier shall file with the Commission an affidavit of service and publication stating the date each was accomplished. A copy of each newspaper notice published shall be attached to the affidavit. The effective date of the filing of the initial system diagram map and each amended system diagram map as required in paragraph (a) of this section shall be deemed to be the date upon which the Commission receives the affidavit required in this paragraph.

(e) The Commission shall require republication of the notice if it is found to be inadequate.

[43 FR 30557, July 17, 1978, as amended at 43 FR 45588, Oct. 3, 1978. Redesignated at 47 FR 49581, Nov. 1, 1982, and amended at 48 FR 54236, Dec. 1, 1983]

§ 1152.13 Amendment of the system diagram map.

(a) Each carrier shall be responsible for maintaining the continuing accuracy of its system diagram map and the accompanying line descriptions. Amendments may be filed at any time and will be subject to all carrier filing and publication requirements of § 1152.12.

(b) Every system diagram listing a line in category 2 (§ 1152.10(b)(2)) shall be revised annually. Each annual revision shall clearly reflect the carrier's decision whether to transfer each such line to category 1 or 5 (§ 1152.10(b)(1) or (5)) or to retain the line in category 2 for further study.

(c) By June 30 of each year, each carrier shall file with the Commission:

(1) A revised and updated color-coded system diagram map and line descriptions which shall be subject to the filing and publication requirements of § 1152.12.

(2) A verified statement by a corporate officer having authority to so certify that no change has occurred in the categories of lines shown on its most recently filed system diagram map and accompanying descriptions.

(d) Under 49 U.S.C. 10904, the Commission is precluded from issuing a certificate of abandonment or discontinuance if the abandonment or discontinuance application is opposed by a significant user, a State, or a political subdivision of a State unless the line involved is identified and described on the system diagram map for at least 4 months prior to the filing of such application. The 4-month minimum notice period of section 10904(e)(3) will be deemed to have commenced only for a line or portion of a line which is designated on the carrier's system diagram map as a line in category 1 (§ 1152.10(b)(1)).

[41 FR 48520, Nov. 4, 1976, as amended at 43 FR 30557, July 17, 1978; 45 FR 18008, Mar. 20, 1980. Redesignated and amended at 47 FR 49581, Nov. 1, 1982; 48 FR 54236, Dec. 1, 1983]

§ 1152.14 Availability of data.

Each carrier shall provide to the designated State agency, upon request, information concerning the net liquidation value (as defined in § 1152.34(c)) of any line placed in category 1 (§ 1152.10(b)(1)) on its system diagram map or line description together with a description of such a line and any appurtenant facilities and of their condition.

[41 FR 48520, Nov. 4, 1976, as amended at 43 FR 7624, Feb. 24, 1978. Redesignated at 47 FR 49581, Nov. 1, 1982]

§ 1152.15 Reservation of jurisdiction.

49 U.S.C. 10904(e)(1) authorizes the Commission, at its discretion, to provide for designation of lines as "potentially subject to abandonment" under standards which vary by region of the Nation, by railroad, or by group of railroads. The Commission expressly reserves the right to adopt such varying standards in the future.

[41 FR 48520, Nov. 4, 1976. Redesignated and amended at 47 FR 49581, Nov. 1, 1982]

Subpart C—Procedures Governing Notice, Applications, Financial Assistance, and Acquisition for Public Use

§ 1152.20 Notice of intent to abandon or discontinue service.

(a) *Filing and publication requirements.* An applicant shall give Notice of Intent to file an abandonment or discontinuance application by complying with the following procedures:

(1) *Filing.* Applicant must serve its Notice of Intent on the Commission, by certified letter, in the format prescribed in § 1152.21. The Notice shall be filed in accordance with the time requirements of paragraph (b) of this section.

(2) *Service.* Applicant must serve, by first-class mail (unless otherwise specified), its Notice of Intent upon: (i) Significant users of the line; (ii) the Governor (by certified mail) of each State directly affected by the abandonment or discontinuance; (iii) the Public Service Commission (or equivalent agency) in these States; (iv) The designated State agency in these States; (v) The State Cooperative Extension Service in these States; (vi) the U.S. Department of Transportation (Federal Railroad Administration); (vii) Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program); (viii) the U.S. Department of Interior (Bureau of Outdoor Recreation) (Recreation Resources Assistance Division, National Park Service), and (Land Resources Division, National Park Service); (ix) the U.S. Railroad Retirement Board; (x) the Commission's Office of Special Counsel; (xi) the National Railroad Passenger Corporation ("Amtrak") (if Amtrak operates over the involved line); (xii) the headquarters of the Railroad Labor Executives' Association; and (xiii) the U.S. Department of Agriculture, Chief of the Forest Service. For purposes of this subsection "directly affected States" are those in which any part of a line sought to be abandoned is located.

(3) *Posting.* Applicant must post a copy of its Notice of Intent at each agency station and terminal on the line to be abandoned. (If there are no